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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Sir:

Assignee hereby disclaims, except as provided below,
the terminal part of any patent granted on the '077 Patent

Application which would extend beyond the expiration date of the

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55.00 OP

In re Patent Application of:

FLICK

Serial No. **10/043,077**

Filing Date: **JANUARY 9, 2002**

full statutory term defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,140,938. Assignee hereby agrees that any patent so granted on the '077 Patent Application shall be enforceable only for and during such period that it and the '938 Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

For submission on behalf of Assignee, the undersigned is the attorney of record.

The Commissioner is hereby authorized to charge the fee in the amount of \$55.00 to the credit card noted in the attached credit card payment form to cover the Terminal Disclaimer fee. If any additional extension and/or fee is required, or if any additional fee for claims is required, charge Account No. **01-0484**.

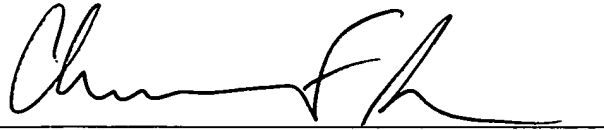
In re Patent Application of:

FLICK

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Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of May, 2004.

